

## DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



July 1, 1998

ALL COUNTY LETTER NO. 98-42

TO: ALL COUNTY WELFARE DIRECTORS  
ALL CalWORKs PROGRAM SPECIALISTS  
ALL CHIEF INVESTIGATORS

REASON FOR THIS TRANSMITTAL

- ☒ State Law Change
- ☐ Federal Law or Regulation Change
- ☐ Court Order
- ☐ Clarification Requested by One or More Counties
- ☐ Initiated by CDSS

SUBJECT: CALIFORNIA WORK OPPORTUNITY AND RESPONSIBILITY TO KIDS  
(CalWORKs) DRUG AND FLEEING FELONS REGULATIONS

REFERENCE: AB 1542 (Chapter 270, Statutes of 1997); AB 1260 (Chapter 284, Statutes of 1997); ACL 97-65

The purpose of this letter is to transmit to the County Welfare Departments (CWDs) emergency regulations on the CalWORKs drug and fleeing felon provisions. On October 29, 1997, the California Department of Social Services (CDSS) issued All County Letter (ACL) 97-65 which implemented the drug and fleeing felon provisions of Assembly Bills (AB) 1542 and AB 1260. These provisions were effective January 1, 1998, and required that drug and fleeing felons be considered ineligible for aid under CalWORKs.

These regulations reflect policies previously stated in the implementing ACL and provide the following additions:

Clarification that these provisions apply to all individuals, including juveniles.

Clarification that violation of probation or parole covers those situations where the initial offense was a misdemeanor or a felony.

Clarification that the existence of a warrant shall be evidence of fleeing when the individual has or reasonably should have knowledge that he/she is being sought by law enforcement.

Deletes from the excluded persons section those individuals who are no longer considered excluded by law or sanctioned for non cooperation or intentional program violations. These individuals are now treated as members of the assistance unit, but the needs of the individual are not considered in the determination of eligibility or the amount of the grant.

In addition, this package provides minor technical corrections to remove obsolete terminology.

AB 1542 also required that regulations regarding these provisions be adopted no later than July 1, 1998. The attached emergency regulations (Attachment A) were submitted to the Office of Administrative Law with an effective date of **July 1, 1998**.

## NOTICES OF ACTION (NOA) MESSAGES

Revised Notice of Action messages are included in Attachment B. Counties should call the Forms Management Bureau at (916) 654-1907 or CALNET at 464-1907 for camera-ready copies of any form, NA form, NOA message or suggested informing language in any language. However, counties that have provided Language Services Bureau with a county contact and the specific languages (Spanish, Chinese, Cambodian, Vietnamese and Russian) will automatically be sent those languages as soon as the document (form/NA form/NOA message/informing notice) is translated.

If you have any questions regarding these regulations, please contact Linda Lattimore at (916) 653-4992.

Sincerely,  
***Original Document Signed By  
Bruce Wagstaff on July 1, 1998***  
BRUCE WAGSTAFF  
Deputy Director  
Welfare to Work Division

Attachments

c: CWDA  
CSAC

Adopt Section 40-034 to read as follows:

40-034      IMPLEMENTATION OF CalWORKs DRUG  
AND FLEEING FELON PROVISIONS

40-034

.1 General                      Assembly Bills (AB) 1542, Chapter 270, Statutes of 1997, and AB 1260, Chapter 284, Statutes of 1997, enacted provisions which impact the Aid to Families with Dependent Children (AFDC) program. AB 1542 renames the AFDC program to the California Work Opportunity and Responsibility to Kids (CalWORKs) program. These proposed regulations implement and make specific the requirements of AB 1542 which adds Section 11486, and AB 1260 which adds Section 11251.3 to the Welfare and Institutions Code.

Section 11486.5 provides that persons fleeing to avoid felony prosecution, custody or confinement, or violating a condition of parole or probation are ineligible for aid under CalWORKs. Section 11251.3 provides that persons convicted of a felony related to the possession, use, or distribution of a controlled substance after December 31, 1997, are ineligible for aid under CalWORKs.

.2 Effective Date              This regulatory action is effective July 1, 1998.

.3 Sections Repealed        82-832.14 and 82-832.26

.4 Sections Adopted        40-034, 82-832.19, .191 and .20

.5 Sections Amended       82-832, 82-832.21, .23 and .231

Authority cited:              Sections 10553 and 10554, Welfare and Institutions Code.

Reference:                    Sections 11251.3 and 11486.5, Welfare and Institutions Code (Ch. 270, Stats. of 1997)

Amend Section 82-832 to read:

82-832 EXCLUDED PERSONS

82-832

.1 Person Who Is  
Excluded By Law

A person excluded from the AU by law is a  
person who:

.11 through .13

(Continued)

~~.14 Lump Sum~~

~~Had his/her needs considered in determining a lump sum  
period of ineligibility as specified in Section 44-207.42.~~

.15 through .18

(Continued)

.19 Fleeing Felon

Is fleeing to avoid prosecution, or custody or confinement  
after conviction for a crime or attempt to commit a crime  
that is a felony. The existence of a warrant for arrest shall  
be considered evidence of fleeing when the individual has or  
reasonably should have knowledge that he/she is being  
sought by law enforcement.

or

.191

Is in violation of a condition of probation or parole. The  
initial offense for which probation or parole was ordered  
need not have been a felony. Probation or parole may have  
been revoked or a warrant may have been issued.

.20 Convicted Drug Felon

Has been convicted in a state or federal court of a felony  
that has as an element, the possession, use or distribution of  
a controlled substance. The conviction must be after  
December 31, 1997 and for an act that occurred on or after  
August 22, 1996. Controlled substance is defined in  
Section 102(6) of the Controlled Substances Act (21 U.S.C.  
Section 802(6)) or Division 10 (commencing with Section  
11000) of the Health and Safety Code. The term  
'convicted' also includes a plea of guilty or nolo contendere.

.2	Sanctioned Persons	A person excluded from the AU due to a sanction, is:
.21	Child/Spousal Support	A parent, pregnant woman, or caretaker relative who refuses to assign support rights, <del>or fails to cooperate in the identification and location of the absent parent; establishment of paternity; or enforcement of the support obligation as determined in Sections 43-106 and 43-107.1.</del>
.22	Citizenship	(Continued)
.23	<del>GAIN Welfare-to-Work</del>	A <del>mandatory GAIN registrant non-exempt Welfare-to-Work participant</del> who fails <u>or refuses</u> without good cause to meet <del>GAIN</del> program requirements, and;
.231		When the <del>registrant</del> <u>participant</u> is a principal earner, the second parent is also ineligible unless he/she is participating in <del>GAIN welfare-to-work activities.</del>
.24 through .25		(Continued)
.26	IPV	<del>An applicant or recipient who has been disqualified for committing an IPV.</del>

Authority cited: Sections 10553, 10554, and 11270, Welfare and Institutions Code.

Reference: 45 CFR 205.42(d)(2)(v)(A) and (B), as printed in Federal Register, Vol. 57, No. 198, Tuesday, October 13, 1992, page 46808, 45 CFR 205.52, 45 CFR 206.10(a)(5)(i), 45 CFR 232.12(d), 45 CFR 233.10(a)(1)(i), (a)(1)(i)(B), and (a)(3), 45 CFR 233.20(a)(1)(i), (a)(3)(ii)(C) and (F), and (a)(3)(ix), 45 CFR 233.50, 45 CFR 233.51, 45 CFR 233.90(c), (c)(1), and (c)(2)(iv), 45 CFR 233.100(a)(5)(ii), 45 CFR 233.106, 45 CFR 240.22, and 45 CFR 250.34(a) and (c), and (c)(2); and Sections 11008.13, 11104, 11157, 11201(b), 11203, 11251.3, 11263.5, 11268, 11270, 11315, 11320.6(e), 11406.5, 11450, 11477, 11477.02 and 11486, and 11486.5 Welfare and Institutions Code, Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996, Section 115.

## ATTACHMENT B

### NOA MESSAGES

Action	Type	Revision	NOA #
Partial Approval	Drug Felons	Added voucher/vendor language, the applicable regulation cites and issued a new NOA number. (Previously M44-xxc)	M82-832C
Partial Approval	Fleeing Felons	Changed “hiding” to “avoiding”, added the applicable regulation cite and issued a new NOA number. (Previously M44-xxb)	M82-832B
Change	Drug Felons	Added voucher/vendor language, the applicable regulation cites and issued a new NOA number. (Previously M44-xxd)	M82-832D
Change	Fleeing Felons	Changed “hiding” to “avoiding”, added the applicable regulation cite and issued a new NOA number. (Previously M44-xxa)	M82-832A

State of California  
Department of Social Services

Noa Msg Doc No.: M82-832A Page 1 of 1  
Action : Change  
Issue: Aid Payments  
Title: Fleeing Felons

Auto ID No.:  
Source :  
Issued by :  
Reg Cite : W&IC 11486.5, 82-832.20

Use Form No. : NA 200  
Original Date : 01-01-98, New  
Revision Date : 06-01-98

MESSAGE:

As of \_\_\_\_\_, the County is changing your  
cash aid from \$\_\_\_\_\_ to \$\_\_\_\_\_.

Here's why:

\_\_\_\_\_ and \_\_\_\_\_ can not get cash  
aid when he/she:

[ ] has been avoiding or running from the  
law for a felony or attempted felony.

[ ] has violated the terms of parole or  
probation.

Your new cash aid amount is figured on this  
page.

INSTRUCTIONS: Use to change the cash aid and delete any member(s) of the AU who is  
a fleeing felon.

This message replaces M44-xxa dated 01-01-98.

file: pkian/MSERIES/82832a

State of California  
Department of Social Services

Noa Msg Doc No.: M82-832B Page 1 of 1  
Action : Partial Approval  
Issue: Application Processing  
Title: Fleeing Felons

Auto ID No.:  
Source :  
Issued by :  
Reg Cite : W&IC 11486.5, 82-832.20

Use Form No. : NA 200  
Original Date : 01-01-98, New  
Revision Date : 06-01-98

MESSAGE:

As of \_\_\_\_\_, the County has approved cash aid and Medi-Cal for some members of your family. The first day of cash aid is \_\_\_\_\_. The first month's cash aid amount is \$\_\_\_\_\_.

Aid has been denied for \_\_\_\_\_ and \_\_\_\_\_.

Here's why:

[ ] \_\_\_\_\_ has been avoiding or running from the law for a felony or attempted felony.

[ ] \_\_\_\_\_ has violated the terms of parole or probation.

Your cash aid amount is figured on this page.

INSTRUCTIONS: Use to approve cash aid and deny any member(s) of the AU who is a fleeing felon.

This message replaces M44-xxb dated 01-01-98.

file: pkian/MSERIES/82832b

State of California  
Department of Social Services

Noa Msg Doc No.: M82-832C Page 1 of 1  
Action : Partial Approval  
Issue: Application Processing  
Title: Drug Felons

Auto ID No.:  
Source :  
Issued by :  
Reg Cite : W&IC 11251.3, 11453.2,  
44-307, 82-832.19

Use Form No. : NA 200  
Original Date : 01-01-98, New  
Revision Date : 06-01-98

MESSAGE:

As of \_\_\_\_\_, the County has approved cash aid and Medi-Cal for some members of your family. The first day of cash aid is \_\_\_\_\_. The first month's cash aid amount is \$\_\_\_\_\_. Your cash aid will be all or part of a voucher/vendor payment.

Aid has been denied for \_\_\_\_\_ and \_\_\_\_\_.

Here's why:

\_\_\_\_\_ has been convicted of a felony for having, using or selling a controlled substance on or after January 1, 1998 for an offense committed after August 22, 1996.

The law requires that a voucher/vendor payment be made when you have been convicted of a drug-related felony for these reasons.

\$\_\_\_\_\_ will go to rent, \$\_\_\_\_\_ will go to utilities, which leaves \$\_\_\_\_\_ for you.

Your cash aid amount is figured on this page.

INSTRUCTIONS: Use to approve cash aid and deny any member(s) of the AU who is a convicted drug felon.

This message replaces M44-xxc dated 01-01-98.

file: pkian/MSERIES/82832c

State of California  
Department of Social Services

Noa Msg Doc No.: M82-832D Page 1 of 1  
Action : Change  
Issue: Aid Payments  
Title: Drug Felons

Auto ID No.:  
Source :  
Issued by :  
Reg Cite : W&IC 11251.3, 11453.2,  
44-307, 82-832.19

Use Form No. : NA 200  
Original Date : 01-01-98, New  
Revision Date : 06-01-98

MESSAGE:

As of \_\_\_\_\_, the County is changing your cash aid from \$\_\_\_\_\_ to \$\_\_\_\_\_. Also, your cash aid will be all or part of a voucher/ vendor payment.

Here's why:

\_\_\_\_\_ and \_\_\_\_\_ can not get cash aid because he/she has been convicted of a felony for having, using or selling a controlled substance on or after January 1, 1998 for an offense committed after August 22, 1996.

The law requires that a voucher/vendor payment be made when you have been convicted of a drug-related felony for these reasons.

\$\_\_\_\_\_ will go to rent, \$\_\_\_\_\_ will go to utilities, which leaves \$\_\_\_\_\_ for you.

Your new cash aid amount is figured on this page.

INSTRUCTIONS: Use to change the cash aid and change the form of payment to a voucher/vendor payment when a member of the AU is a convicted drug felon.

This message replaces M44-xxd dated 01-01-98.

file: pkian/MSERIES/82832d